



TOWN OF TEWKSBURY ZONING BOARD OF APPEALS

999 Whipple Road
Tewksbury, MA 01876

Robert Dugan, Chairman
Len Dunn, Vice Chair
Gerald Kutcher
Associate Members:
Jaime Doherty

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEETING MINUTES

August 28, 2014

The meeting was called to order at 6:30 p.m. by Robert Dugan, Chairman, at the Pike House (temporary town hall). Present at the meeting were Len Dunn, Gerald Kutcher and Jamie Doherty. Also in attendance was Melissa Johnson, Recording Secretary.

Approval of Minutes – July 31, 2014

MOTION: Mr. Dunn made the motion to approve the July 31, 2014 meeting minutes as presented; seconded by Mr. Kutcher and the motion carried 4-0.

CONTINUED HEARINGS

Dinis M. Oliveria as a party aggrieved for a review of a decision made by the Building Inspector in a letter dated April 16, 2014 as filed with this Board. Said property is located at **199 Marston Street**, Assessor's Map 19, Lot 31, zoned Residential.

Mr. Dugan noted that the Board is in receipt of correspondence requesting to continue this matter to September 25, 2014 as the applicant continues to work with the town towards a resolution to this matter.

Mr. Dugan noted that there is no one present for this matter.

MOTION: Ms. Doherty made the motion to continue Dinis M. Oliveria as a party aggrieved for a review of a decision made by the Building Inspector in a letter dated April 16, 2014 as filed with this Board. Said property is located at 199 Marston Street, Assessor's Map 19, Lot 31, zoned Residential to September 25, 2014 at 6:30 p.m.; seconded by Mr. Kutcher and the motion carried 3-0.

DUGAN, DUNN, KUTCHER

Oscar Torres, Trustee, OAT Realty Trust as a party aggrieved for review of a decision made by the Building Inspector in a letter dated May 13, 2014 as filed with this Board. Said property is located at **352 Main Street**, Assessor's Map 22, Lot 24, zoned Commercial.

Mr. Dugan noted that the Board is in receipt of correspondence requesting to continue this matter to September 25, 2014 as the applicant continues to work with the town towards resolving this matter.

Mr. Dugan noted that no one was present for this matter.

MOTION: **Mr. Dunn made the motion to continue Oscar Torres, Trustee, OAT Realty Trust as a party aggrieved for review of a decision made by the Building Inspector in a letter dated May 13, 2014 as filed with this Board. Said property is located at 352 Main Street, Assessor's Map 22, Lot 24, zoned Commercial to September 25, 2014 at 6:30 p.m.; seconded by Ms. Doherty and the motion carried 3-0.**
DUGAN, DUNN, DOHERTY

Old Business

There was no old business.

New Business

1590 Main Street, Tidal Wave

Mr. Dugan explained Tidal Wave came before the ZBA in 2003 for a Special Use Permit. Approximately 1 year later, they went to the Planning Board to square off the lots to provide for more frontage. At that time, they did not come back to the ZBA as the Board had only issued a Special Use Permit and not any relief. They are requesting the Board take a vote to either confirm they are still in compliance with the Special Use Permit or they are no longer in compliance as a result of squaring off the property.

MOTION: **Mr. Dunn made the motion that the Board determines the change in the lot at 1590 Main Street has no bearings on the conditions of the Special Use Permit that was granted on February 24, 2003; seconded by Mr. Kutcher and the motion carried 4-0.**

Adjournment

MOTION: **Mr. Dunn made the motion to adjourn; seconded by Ms. Doherty and the motion carried 4-0.**

Approved: 9/25/14

Approval of Minutes – July 31, 2014

CONTINUED HEARING

6:30 P.M. **Dinis M. Oliveira** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated April 16, 2014 as filed with this Board. Said property is located at **199 Marston Street**, Assessor's Map 19, Lot 31, zoned Residential.
(Applicant requesting to be continued to September 25, 2014.)

- Ltr 8/27/14 fr Attorney Donald Borenstein requesting to be continued to 9/25/14.

6:30 P.M. **Oscar Torres, Trustee, OAT Realty Trust** as a party aggrieved for review of a decision made by the Building Inspector in a letter dated May 13, 2014 as filed with this Board. Said property is located at **352 Main Street**, Assessor's Map 22, Lot 24, zoned Commercial.

(Applicant requesting to be continued to September 25, 2014.)

- Ltr 8/27/14 fr Attorney Ryan Sullivan requesting to be continued to 9/25/14.

Old Business

New Business – 1590 Main Street, Tidal Wave

- Memo 8/25/14 fr Steve Sadwick re: change in the lot.